

BOARD OF SELECTMEN

Francis A. Hegarty, Chairman

Steven P. Rose, Clerk

Robert F. Brady, Jr., Associate

Michael McCue, Town Administrator

Town of Avon Massachusetts

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**BOARD OF SELECTMEN MEETING
THURSDAY, NOVEMBER 7, 2013
7:30 p.m.**

Members present: Francis A. Hegarty, Chairman
Steven P. Rose
Robert F. Brady, Jr.

Others present: Michael McCue, Town Administrator
Joseph Lalli, Town Counsel

Chairman Hegarty called the meeting to order at 7:30 p.m. with all members present.

Selectman Rose led the meeting in the Pledge of Allegiance.

Mr. Brady made a motion to accept the minutes of Thursday, October 17, 2013 (Regular Session) as written. Mr. Rose seconded the motion. The motion carried.

Mr. Brady made a motion to approve the minutes of Thursday, October 17, 2013 (Executive Session) as submitted. Mr. Rose seconded the motion. All were in favor.

OPENING OF ROCK SALT BIDS

At 7:35 p.m. Chairman Hegarty read the Legal Notice for bids for 350 tons of Rock Salt.

Mr. Rose, Clerk of the Board, opened the following bids:

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|-----------------------|--------------|---------------------------|
| 1. International Salt | Pennsylvania | \$49.65 per ton delivered |
| 2. American Rock Salt | New York | \$50.85 per ton delivered |
| 3. Eastern Minerals | Lowell, MA | \$52.20 per ton delivered |

Mr. Brady made a motion to take the bids under advisement. Mr. Rose seconded the motion. The vote was unanimous.

OPENING OF SAND BIDS

At 7:40 p.m. Chairman Hegarty read the Legal Notice for 1600 tons of washed, coarse sand.

Mr. Rose, Clerk of the Board, opened the following bids:

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|------------------------|--------------|-----------------|
| 1. Kingstown Corp. | Plymouth, MA | \$21.65 per ton |
| 2. T. L. Edwards, Inc. | Avon, MA | \$14.98 per ton |

Mr. Brady made a motion to take the bids under advisement. Mr. Rose seconded the motion. All were in favor.

AWARD BID FOR JANITORIAL SERVICES FOR TOWN OF AVON PUBLIC BUILDINGS

Town Administrator McCue recommends awarding the bid to Jani King of Boston, MA. Mr. McCue reported he checked out references for the company. Jani King is the lowest responsible bidder. Their contract allows for two one-year extensions. Recommendation is also support through a staff review.

Mr. Brady made a motion, based on the Town Administrator's recommendation, to award the bid for Janitorial Services for the Town of Avon Public Buildings to Jani King of Boston. Mr. Rose seconded the motion. The vote was unanimous.

AWARD BID FOR CROWLEY SCHOOL HAZARDOUS MATERIAL REMEDIATION/REMOVAL SERVICES

Town Administrator McCue recommends American Environmental, Inc. of Holyoke, MA. Yee Consulting concurs. All paperwork submitted with the bid process appears satisfactory for the abatement of the Crowley Elementary School. American Environmental, Inc. is the lowest responsible bidder, in the amount of \$247,800. Yee Consulting, Inc. will provide oversight for the project.

Mr. Rose made a motion to award the contract for the Crowley School Hazardous Material Removal Services to American Environmental, Inc. of Holyoke, MA, in the amount of \$247,800. Mr. Brady seconded the motion. All were in favor.

A request for transfer from the Reserve Fund was requested by Town Administrator McCue into the Tree Warden expense account, in the amount of \$8000. This expenditure is unforeseen due to the extraordinary number of dead trees identified as potential hazards at DeMarco Park. Mr. Rose made a motion to approve the transfer from the Reserve Fund, in the amount of \$8000, to the Tree Warden expense line item. Mr. Brady seconded the motion. The motion carried.

A request for gift acceptance was received from Restaurant Depot, in the amount of \$2000, to be used to defray the cost of flags and other patriotic decorations for the 125th parade.

Mr. Rose made a motion to accept the gift from Restaurant Depot for \$2000. Mr. Brady seconded the motion. The motion carried.

Fire Chief Spurr is requesting disposal/to declare as surplus a 1980 Mack Fire Engine and would like the vehicle removed from the Fire Department's inventory.

Mr. Rose made a motion to accept the recommendation of Fire Chief Spurr and declare as surplus equipment a 1980 Mack Fire Engine. Mr. Brady seconded the motion. All were in favor.

A letter was received from Landis Hershey resigning her position as Conservation Agent for the Town of Avon, effective October 23, 2013.

Mr. Rose made a motion to accept the resignation of Landis Hersey, Conservation Agent, with regret. Mr. Brady seconded the motion. The vote was unanimous.

An application for a temporary sign permit was received from Affordable Furniture To Go at 75 Stockwell Drive to display two banners advertising a holiday sale beginning November 22nd through December 22nd.

Mr. Rose made a motion to approve the temporary sign permit for Affordable Furniture to Go to display two banners from November 22nd through December 22nd. Mr. Brady seconded the motion. The motion carried.

A request for a curb cut for gas installation was received from Columbia Gas of Massachusetts at 287 Page Street.

After review of the sketch, Mr. Brady made a motion to approve the road cut with the stipulation that restoration of the road is done to the Highway Department's specifications. Mr. Rose seconded the motion. All were in favor.

A second request was received for a curb cut to install gas service at 366 Page Street.

Mr. Brady made a motion to approve the road cut at 366 Page Street. Mr. Rose seconded the motion with discussion, questioning where is the cut coming from? There are two sketches; one for Page Street and one for Spagna Way. The curb cut on Page Street indicates a 4' x 6' road cut. The one on Spagna Way indicates a 3' x 5' road cut. Which is correct?

After further review, the Board agreed to have Town Administrator McCue follow up with the gas company to identify where this cut is coming from.

After further discussion, it was unanimously voted to grant conditional approval to install gas service at 366 Page Street.

A request was received from Columbia Gas for permission to install gas service at 155 East Main Street with service to come off of Gill Street, requiring a 3' x 30' road cut.

Mr. Rose made a motion to approve the road opening at 155 East Main Street to install gas service. Mr. Brady seconded the motion. All were in favor.

ANNOUNCEMENTS

Chairman Hegarty announced the Register of Deeds staff will hold office hours at the Avon Town Hall from 9:00 a.m. to noon on Thursday, November 14th. No appointment is necessary.

On Tuesday evening, November 12th a Flu Clinic will be held at the Avon Town Hall – Board of Health office from 5:00 p.m. to 8:00 p.m.

8:00 p.m.—City Solicitor from City of Brockton to discuss land transfers

Attorney Philip Nessralla, City Solicitor from Brockton, appeared before the Board. Also present was Town Counsel Lalli.

Attorney Nessralla gave a brief synopsis regarding the parcels of land taken by Brockton by eminent domain. The land was taken for the protection of the City of Brockton's water supply many decades ago. The City of Brockton is obligated to make payments in lieu of taxes to the Town of Avon on said properties (PILOT). Attorney Nessralla explained the PILOT program and judgments filed by Attorney Ellen Hutchinson. The City of Brockton also agreed two years ago to transfer some land back to the Town of Avon.

Attorney Nessralla stated the difficulty in the land transfer arose in identifying the parcels of land and historic ownership. A Title Examiner was hired. The Title Examiner had difficulty determining who owned the land originally.

Attorney Nessralla will communicate with a new Title Examiner and will forward the information to Mr. Lalli. Attorney Nessralla stated he would forward a quit claim deed to the Town of Avon within the next month (December 7th) to settle the matter.

The Board thanked Attorney Nessralla for updating the Board and attending the meeting.

A motion was made by Mr. Rose to approve all vouchers for the payment of bills as submitted. Mr. Brady seconded the motion. The vote was unanimous.

TOWN ADMINISTRATOR'S REPORT

Mr. McCue reported he attended a meeting in Holbrook recently to discuss expanding regional dispatch operations. He did not receive any back-up information from the meeting yet. When he does, he will report back to the Board.

The Crowley School IFP will appear in the Central Register in the next available edition relative to demolition of the building.

Mr. McCue was informed the Board is interested in revitalizing a Capital Planning group.

Mr. McCue reported the Assessor's office was given the task of determining ownership of the unaccepted roads. So far only two have been identified. How does the Board want to proceed?

At 8:25 p.m. Mr. Rose made a motion to convene in Executive Session to discuss a litigation matter as an open meeting may have a detrimental effect on the litigating position of the public body, so declared by the Chair. Mr. Brady seconded the motion.

A roll call vote was taken:

Mr. Rose voted aye

Mr. Brady voted aye

Chairman Hegarty voted aye

The Board would not reconvene in open session.

Chairman Hegarty announced that Monday, November 11th is Veteran's Day. Please honor our Veterans!

Respectfully submitted,

A handwritten signature in cursive script, reading "Miriam Rothstein".

Miriam Rothstein

Secretary